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129



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,210	07/03/2002	Pavel Mayer	47911/DBP	9393

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EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,210

Applicant(s)

MAYER ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☒ Claim(s) 16 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The drawings are objected to because it fails to show necessary textual label of features or symbols in Fig. 1 - Fig. 5 as described in the specification. For example, placing a label, "storage unit", with element 3 of Fig. 3, and "interactive document", with element 30 of fig. 5 would give the viewer necessary detail to fully understand this element at a glance. A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible.

Specification

2. The abstract of the disclosure is objected to because the drawing is not label. Correction is required. See MPEP. § 608.01(b).

Claim Rejections - 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1, the phrase " during one or more of after and during transaction" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP 2173.05(d).

Claim 16 recites the limitation " wherein the synchronization of the reproduction of at least one of the basic dataset and the control data set takes place via the clock pulse of an oscillator of the subscriber terminal" in lines 1-3. There is insufficient antecedent basis for this limitation in the claim.

As to claim 34 refer to claim 16 rejection.

Claim 16 should depend from claim 15.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2142

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 37-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 37 recites " an output port for the automatic reproduction of the basic data Set" in lines 12-13. There is no disclosure of "an output port for the automatic reproduction of the basic data set" in the specification as originally filed, nor how to perform it. The specification as originally filed only discloses an output device for the reproduction of the basic data set

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-15, 17-33,35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al (US 5,760,771) in view of Merrick (US 6,433,784).

As per claim 1, Blonder teaches a method for automatic one electronic basic data set comprising:

Art Unit: 2142

- a) reproduction of at least transmitting a basic data set ascertainable on the basis of a data address from an external first data storage into a local storage of a subscriber terminal (col. 11, lines 58-60); whereby the control data contain commands and information with which a reproduction of the basic data set can be automatically controlled (col. 11; lines 7-19);
- c) reproducing the basic data set on at least one output of the subscriber terminal during one or more of after, and during transmission of the basic data set and the control data to the subscriber terminal (Fig. 8B); and
- d) automatically controlling the reproduction of the basic data set in a predefinable manner by the control data (col. 2, line 41-col. 3, lines 17), wherein the control data has commands for the automatic control of at least one cursor function on a screen of the subscriber terminal [the hyperlinks (cursor function) is represented by one or more of graphic (I.e . displayed, text, video and animation (col. 2, lines 62-64)].

Blonder does not explicitly teach b) automatically transmitting control data of a control data set assigned to the basic data set from an external second data storage into the local storage of the subscriber terminal," however Merrick does teach a method and system for preparing animated characters that can be embedded in an HTML web page to deliver animated dialogues. An INF file that includes version information of various files (data record) is downloaded and received in the user terminal from a server and generates control BIN file the data record (col. 6, lines 33-47).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use Merrick's teaching to modify Blonder's teachings by transferring a

control record assigned to data record from an animation server (second data memory) to the user's terminal in order to generate character animation in an Internet environment (col. 4, lines 6-7).

As per claim 2, Blonder further teaches wherein the control of at least one cursor function occurs during the reproduction of one or more of the basic data set and the control data set (col. 6, lines 53-56).

As per claim 3, Merrick further teaches wherein the control data of the control data set are temporally separated or transmitted as a unified control data set to the subscriber terminal (col. 11, lines 12-35 & col. 12, lines 22-24).

As per claim 4, Merrick further teaches wherein the control data and the control data set automatically prompt, during or after the reproduction of a first basic data set, the transmission or the reproduction of at least one second basic data set [a first dialog box (control data) prompt the user to select choreography (first basic data set) and based on the selection another dialog box becomes active for finding and selecting a previously generated choreography file (second basic data set) (col. 9, lines 43-57) i.e. a second basic data set is triggered based on the control data].

As per claim 5, Merrick further teaches wherein the control data set has a sequence of control data with which at least two basic data sets are transmitted in temporal coordination to the subscriber terminal or reproduced by the subscriber terminal [the sequence of control data set has at least two basic data sets (begin and end) to control the animation character (col. 11, lines 24-35) and are transmitted in timing coordination (temporal coordination) (col. 12, lines 1-24)].

As per claim 6, Merrick further teaches reproducing a predefined data set after the end of the sequence (col.11, lines 47-55).

As per claim 7, both Blonder (col.8, lines 43-44 and Merrick (col. 15,lines49-64) further teaches wherein the control data set has at least one predefined data address for at least one basic data set [the control data has a URL link (predetermined data address)].

As per claim 8, Merrick further teaches wherein at least one basic data set is transmitted to the subscriber terminal before the transmission of at least one of the control data and the control data set (col. 5, lines 9-53).

As per claim 9, Merrick further teaches wherein at least one basic data is temporarily stored in at least one of a data network and a computer before the reproduction on the subscriber terminal [the references to character gestures (basic data) is a timing sequence (temporal data) (col. 11, lines 24-35) and is stored in the developer server (computer) (Fig. 1)].

As per claim 10, Merrick further teaches wherein at least one of the external first data storage and the external second data storage are disposed on computers that are linked with the subscriber terminal via a data network and/or a data line [Fig. 1, client, development server are connected through Internet].

As per claim 11, Merrick further teaches wherein the basic data set has at least one interactive document with at least one of hyperlinks and input fields (col. 7, lines 58-67).

As per claim 12, Blonder further teaches wherein the control data set has audiovisual data, including one or more of texts, images, audio data and video data, which are automatically reproduced during the reproduction of the basic data set (col.3, lines 8-16 & col. 6, lines 66-67).

As per claim 13, Blonder further teaches wherein the control data set has audiovisual media data for on-line narration concerning basic data sets (col. 3, Lines 6-18, col. 6, lines 53-56).

As per claim 14, Merrick further teaches wherein at least one start timing mark of the control data set specifies the start of the reproduction of at least one of the basic data set and the control data set (col. 11, lines 30-38).

As per claim 15, Blonder further teaches wherein the control data set has at least one synchronizing timing mark, with which the temporal sequence of the reproduction of at least one of the basic data set and the control data set is automatically controlled in a predefinable manner (col. 8, lines 3-8).

As per claim 17, Blonder further teaches wherein control data have an instruction with which the automatic reproduction of at least one of the image data set and the control data set and the control of the cursor function is interrupted for a predefinable time interval (col. 8, lines 9-42).

As per claim 18, Blonder further teaches further comprising transmitting the data address from an external third data storage to the subscriber terminal before the transmission of the basic data set to the subscriber terminal (col. 11, lines 53-56).

As to claim 19, refer to claim 1 rejection.

As to claim 20, refer to claim 2 rejection.

As to claim 21, refer to claim 3 rejection.

As to claim 22, refer to claim 4 rejection.

As to claim 23, refer to claim 5 rejection.

As to claim 24, refer to claim 6 rejection.

As to claim 25, refer to claim 7 rejection.

As to claim 26, refer to claim 8 rejection.

As to claim 27, refer to claim 9 rejection.

As to claim 28, refer to claim 10 rejection.

As to claim 29, refer to claim 11 rejection.

As to claim 30, refer to claim 12 rejection.

As to claim 31, refer to claim 13 rejection.

As to claim 32, refer to claim 14 rejection.

As to claim 33, refer to claim 15 rejection.

As to claim 35, refer to claim 17 rejection.

As to claim 36, refer to claim 18 rejection.

As to claim 37, [As best understood by the Examiner] refer to claim 1 rejection.

As to claim 38, refer to claim 2 rejection.

As to claim 39, refer to claim 3 rejection.

As to claim 40, refer to claim 4 rejection.

Art Unit: 2142

As to claim 41, refer to claim 5 rejection.

As to claim 42, refer to claim 6 rejection.

As to claim 31, refer to claim 1 rejection.


Claims 16 & 34 would be allowable if it overcomes the 112, 2nd paragraph rejection, and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le


ZARNI MAUNG
PRIMARY EXAMINER